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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

QUEEN THOMAS
Printed Name

Queen Thomas
Signature

#2

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The Accompanying Application

Applicants : Hoffmann, James A. and Lu, Jirong

For : FSH FORMULATION

Docket No. : X-12383N

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d) -
STATEMENT ALLEGING INFRINGEMENT

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Applicants respectfully petition that the application described in the caption above and filed herewith be made special and its examination advanced under 37 C.F.R. §1.102(d).

Please charge the amount of \$130.00 for this petition, the fee under 37 C.F.R. §1.17(i), and charge any additional fees which may be required by this or any other related paper, or credit any overpayment to Deposit Account No. 05-0840.

Under the guidelines of M.P.E.P. §708.02(II), I allege that:

- 1) There is an infringing product actually on the market and/or in use in the United States;
- 2) I made a rigid comparison between the alleged

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infringing product and the claims of the application as provided by the Preliminary Amendment filed herewith, and it is my opinion that all of the claims are unquestionably infringed; and

- 3) I have caused a careful and thorough search of the prior art to be made.

Attached to this petition are copies of two documents that were found inside a product that was purchased in the United States and that is in use in the United States, namely, Gonal-F® 1200 IU Multi-Dose. The first document ("Insert #1") provides a description of Gonal-F®. The second document ("Insert #2") is a Patient's Information Leaflet for Gonal-F® 1200 IU Multi-Dose.

Applicants provide one copy of each reference deemed most closely related to the subject matter encompassed by the claims. These are listed on the accompanying Form 1449.

Applicants respectfully request that this application be made special and its examination advanced because of actual infringement.

Respectfully submitted,



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Eli Lilly and Company
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9 August 2001